

HORACE P. RUGG.

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JUNE 17, 1910.—Committed to the Committee of the Whole House and ordered to be printed.

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Mr. YOUNG, of Michigan, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 26722.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 26722) for the relief of Horace P. Rugg, having considered the same, report thereon with a recommendation that it do pass.

On January 26, 1865, the Secretary of War directed that the disability resulting from the dismissal of Lieut. Col. Horace P. Rugg, of the Fifty-ninth Regiment New York Volunteer Infantry, by the sentence of court-martial No. 45, November 17, 1864, headquarters Army of the Potomac; be removed, and that he might be recommissioned.

The governor of New York was notified of this fact, and also Colonel Rugg himself. Copy of these communications are hereto attached, with Colonel Rugg's full military record and the proceedings of the court-martial, and made a part of this report; there is also attached, and made a part of this report, a letter signed by the Hon. Henry Bingham, Member of Congress, which fully sets forth the conditions relating to this case. The sentence of Colonel Rugg seems to have been revoked as soon as it was in the power of the War Department to do so, but it was impossible for them to change the part of the sentence already carried into execution, viz, that of dishonorable discharge, and your committee believes, after careful consideration of the case, that Colonel Rugg is entitled to full vindication, and reports this bill favorably.

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*Case of Horace P. Rugg, late lieutenant-colonel, Fifty-ninth New York Volunteers.*

It is shown by the official records that Horace P. Rugg was mustered into service to take effect October 12, 1861, as first lieutenant Company E, Fifty-ninth New York Infantry Volunteers, to serve three years. He was subsequently promoted to be first lieutenant and adjutant of the regiment; captain, Company A, and lieutenant-colonel, same regiment. He is recognized by the War Department as having been in the

military service of the United States as first lieutenant and adjutant of that organization from April 19, 1862; as captain from September 17, 1862; and as lieutenant-colonel from November 20, 1863. In July or August, 1864, he was assigned to the command of the First Brigade, Second Division, Second Corps, and while in command of that brigade charges and specifications were preferred against him, as follows:

"HD. QURTS. 1ST BRIG., 2D DIV., 2D A. COR.,  
"Novbr. 2d, 1864.

"Charges and specifications against Lt. Col. Horace P. Rugg, 59th N. Y. V. V.

"Charge 1st: Disobedience of orders.

"Specification 1st: In this, that he, the said Lt. Col. Horace P. Rugg, 59th N. Y. V. Vs., while in command of the 1st Brigade, 2d Division, 2d Army Cor., when ordered by Brigadier-General Egan, then commanding 2d Div., 2d Army Cor., to form line of battle with his brigade upon the road leading past Dabney's mills with the left of his brigade, refused, so as to cover said mill, failed to do so.

"This at or near Dabney's mills, Va., on or about the 27th day of October, 1864.

"Specification 2d: In this, that he, the said Lt. Col. Horace P. Rugg, 59th N. Y. V. V., while comandg. the 1st Brig., 2d Div., 2d Cor., when ordered by Brigadier-General Egan, then commanding the 2d Division, 2d Army Cor., to throw out a strong picket force on the road leading to the right near Dabney's mills, failed to do so.

"This at or near Dabney's mills, Va., on or about the 27th day of October, 1864.

"Charge 2d: Neglect of duty.

"Specification 1st: In this, that he the said Lt. Col. Horace P. Rugg, 59th N. Y. V. Vs., while in command of the 1st Brig., 2d Div., 2d A. Cor., when ordered by Brig. Genrl. Egan, then commanding 2d Div., 2d Army Corps, to form line of battle with his brigade upon the road leading past Dabney's mills with the left of his brigade, refused, so as to cover said mill failed so to do.

"This at or near Dabney's mills, Va., on or about the 27th day of Octob., 1864

"Specification 2d: In this, that he the said Lt. Col. Horace P. Rugg, 59th N. Y. V. V., while commanding the 1st Brig., 2d Div., 2d Army Cor., when ordered by Brigadier-General Egan, then commanding the 2d Division, 2d Army Cor., to throw out a strong picket on the road leading to the right near Dabney's mills, failed so to do.

"This at or near Dabney's mills, Va., on or about the 27th day of October, 1864."

He was tried before a general court-martial on the charges and specifications cited, was found guilty, and was sentenced to be dismissed the service of the United States. The proceedings, findings, and sentence of the court were approved and promulgated by competent authority in an order dated November 17, 1864, in which order it was announced that Lieutenant-Colonel Rugg ceased to belong to the military service of the United States from the date of the order.

It is deemed proper to invite attention to the fact that in the accompanying bill (H. R. 8973, 60th Cong., 1st sess.) it is proposed simply to authorize and direct the Secreatry of War to correct the military record of Lieutenant-Colonel Rugg, and it is suggested that said bill should be amended to show specifically the particular change in the record that it is proposed to authorize and direct.

Respectfully submitted.

F. C. AINSWORTH,  
The Adjutant-General.

WAR DEPARTMENT,

The Adjutant-General's Office, March 7, 1908.

The SECRETARY OF WAR.

WAR DEPARTMENT,  
Washington City, February 14, 1890.

SIR: In reply to your request of the 8th instant I beg to transmit herewith copies of the following papers:

1. Charges and specifications preferred against Lieut. Col. H. P. Rugg, Fifty-ninth New York Volunteers, and under which he was tried by general court-martial.

2. Extract of general court-martial orders No. 45, November 17, 1864, Army of the Potomac.

3. Letter of Lieutenant-Colonel Rugg, dated December 8, 1864, asking to be reinstated.

No petition for the officer's reinstatement signed by General Hancock and others has been found.

4. Letter from the office of The Adjutant-General of the Army to the governor of New York, dated January 26, 1865, removing the disability to reenter the service.

Very respectfully,

REDFIELD PROCTOR,  
*Secretary of War.*

Hon. C. K. DAVIS, *U. S. Senate.*

CHARGES AND SPECIFICATIONS PREFERRED AGAINST LIEUT. COL. H. P. RUGG, FIFTY-NINTH REGIMENT NEW YORK VOLUNTEER INFANTRY.

Charge 1: Neglect of duty.

Specification: In this, that he the said Lieut. Col. H. P. Rugg, of the Fifty-ninth Regiment New York Volunteers, commanding the First Brigade of the Second Division, Second Corps, did leave on the front of the line of battle of his brigade a portion of the troops of his command, consisting of some ninety enlisted men and several commissioned officers of the Seventh Michigan Volunteer Infantry, and did neglect to withdraw the aforesaid troops when he was ordered to withdraw his command from the field, thus leaving them liable to be captured by a superior force of the enemy.

This, on the 27th day of October, 1864, at or near the Burgess house, on the Boydton plank road, in the State of Virginia.

Charge 2: Disobedience of orders.

Specification: In this, that he, Lieut. Col. H. P. Rugg, Fifty-ninth New York Volunteer Infantry, commanding the First Brigade of the Second Division, Second Corps, having received an order from Maj. Gen. W. S. Hancock, commanding Second Army Corps, "to advance his brigade and attack the enemy then in his front," did fail to do so.

This, on the 27th day of October, 1864, at or near the Burgess house on the Boydton plank road, in the State of Virginia.

WAR DEPARTMENT,  
JUDGE-ADVOCATE-GENERAL'S OFFICE,  
*Washington, D. C., February 13, 1890.*

Copy of charges and specifications preferred against Lieut. Col. H. P. Rugg, and under which he was tried by a general court-martial appointed under Special Orders, No. 295, Headquarters, Army of the Potomac, November 1, 1864.

G. NORMAN LIEBER,  
*Acting Judge-Advocate-General.*

General Court-Martial Orders, }  
No. 45.

HEADQUARTERS, ARMY OF THE POTOMAC,

*November 17, 1864.*

Before a general court-martial, of which Brig. Gen. Nelson A. Miles, volunteer service, is president, convened at the Avery House, in the camp of the Second Army Corps, by virtue of Special Orders, No. 295, of November 1, 1864, from these headquarters, was arraigned and tried:

Lieut. Col. H. P. Rugg, Fifty-ninth New York Volunteers, upon the following charges:

Charge 1: Neglect of duty.

Charge 2: Disobedience of orders.

Finding: Guilty.

Sentence: "To be dismissed the service of the United States."

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The proceedings, findings, and sentence in the case of Lieut. Col. H. P. Rugg, Fifty-ninth New York Volunteers, are approved. That officer accordingly ceases to belong to the military service of the United States from the date of this order.

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By command of Major-General Mead.

S. WILLIAMS,  
*Assistant Adjutant-General.*

Official:

J. P. BIMTON,  
*Lt. Col. Actg. Judge Adv. A. of P.*

WASHINGTON, D. C., December 8, 1864.

SIR: The undersigned was dismissed the service of the United States by General Court-Martial Orders, No. 45, dated Headquarters, Army of the Potomac, November 17, 1864, for "Neglect of duty," and "Disobedience of orders."

These charges were preferred by General Hancock, and while the accused was in command of the First Brigade, Second Division, Second Army Corps, and the offenses were claimed to have been committed while he was acting in the said capacity.

The undersigned claims that the proceedings of the court by which he was tried—detailed by Special Orders, No. 295, Headquarters, Army of the Potomac, November 1, 1864—do not show that these wrongs were committed intentionally, and as he was acting in a capacity far superior to his rank, he claims he was innocent. The records of Adjutant-General's Office, War Department, will show that he entered the service of the United States on the 20th day of April, 1861, as a private in the Seventy-first Regiment New York State Militia, in which he served three months. On being discharged from this regiment he immediately afterwards entered the Fifty-ninth Regiment New York Volunteer Infantry, in which he was mustered as a first lieutenant in Company E, on the 12th day of October, 1861, since which time until date of discharge he has been in said regiment acting in different capacities as a commissioned officer.

As he is a young man, this dismissal may greatly injure his future reputation. On account of his former three years and six months' creditable service, he most respectfully asks to be reinstated for the purpose of being mustered out on his three years' continued service.

He most respectfully asks that this paper may be referred to the Adjutant-General's Office, to the Judge-Advocate-General, and to his different superior officers for confirmation.

HORACE P. RUGG,  
*Late Lieut. Col., 59th N. Y. Vet. Vols.,  
Box 724, Washington, D. C.*

Hon. E. M. STANTON,  
*Secretary of War.*

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WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,  
*Washington, January 26, 1865.*

SIR: By direction of the Secretary of War the disability resulting from the dismissal of Horace P. Rugg (formerly a lieutenant-colonel in the Fifty-ninth Regiment New York Volunteer Infantry) by sentence of general court-martial promulgated in general court-martial orders No. 45, November 17, 1864, headquarters Army of the Potomac, is hereby removed, and he may be recommissioned should your excellency so desire.

Very respectfully, your obedient servant,

THOMAS M. VINCENT,  
*Assistant Adjutant-General.*

His excellency the GOVERNOR OF NEW YORK,  
*Albany, N. Y.*

WAR DEPARTMENT,  
RECORD AND PENSION DIVISION,  
*February 14, 1865.*

Official.

F. C. AINSWORTH,  
*Captain and Assistant Surgeon, U. S. Army.*

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WAR DEPARTMENT,  
ADJUTANT-GENERAL'S OFFICE,  
*Washington, January 26, 1865.*

SIR: I am instructed to inform you that the disability resulting from your dismissal by sentence of general court-martial promulgated in general court-martial orders No. 45, November 17, 1864, headquarters Army of the Potomac, has been removed by letter of this date, to his excellency the governor of New York.

You are, therefore, authorized to reenter the service as a commissioned officer, provided you are recommissioned. I am, sir, very respectfully,  
Your obedient servant,

THOMAS M. VINCENT,  
*Assistant Adjutant-General.*

Mr. HORACE P. RUGG,  
*Late Lieut. Col., 59th N. Y. Vols.,*  
*P. O. Box 724, Washington, D. C.*

HOUSE OF REPRESENTATIVES,  
*Washington, D. C., June 14, 1910.*

MY DEAR MR. STEVENS: I have examined with care House bill 26722, for the relief of Horace P. Rugg, introduced by you June 9, 1910. Horace P. Rugg, lieutenant-colonel of the Fifty-ninth Regiment New York Volunteers, was dismissed the service of the United States by court-martial and sentence November 16, 1864. Brig. Gen. Nelson A. Miles was president and I was judge-advocate of the court. I have no criticism or comment to make on the action or judgment of the court. During the days of the trial of Rugg it was a subject of general comment among the members of the court that he was an exceptionally young man to command a brigade of troops in action. His record disclosed the fact that he enlisted as a private in the three months' service in 1861, honorably discharged, and later aided in the organization of a company in which he was commissioned second lieutenant, Fifty-ninth Regiment New York Volunteers, three years' service.

He was promoted through the several grades and commissioned lieutenant-colonel of the regiment in 1864. Under that commission a few months prior to the battle of Boydton plank road, Virginia, by seniority of rank he was assigned to command of the First Brigade, First Division, Second Army Corps, and several months later the battle of Boydton plank road occurred. His brigade consisted of six regiments of infantry and one battalion—an exceptionally large brigade to command. The general criticism at the time of the trial after the battle was to the effect that he was too young, being but 22 years of age, and lacked the experience as well as military ability to command a brigade in action. I am sure that judgment was wise and correct. He has rested under the disability of his sentence for forty-six years, and his life, I have been informed, has been that of a good citizen. Married, with family, and of excellent standing in his business affairs. I think the Congress without any prejudice to army administration or discipline could well remit the disability which your bill is intended to confer.

Very truly, yours,

HENRY A. BINGHAM.

Hon. FREDERICK C. STEVENS,  
*House of Representatives, Washington, D. C.*



